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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,385	07/28/2006	Franc Arnold	175.8350USU	6710

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EXAMINER

JOHNSON, VICKY A

ART UNIT	PAPER NUMBER
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3656

MAIL DATE	DELIVERY MODE
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05/11/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/567,385	Applicant(s) ARNOLD, FRANC	
	Examiner Vicky A. Johnson	Art Unit 3656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-14 and 17-30 is/are pending in the application.
- 4a) Of the above claim(s) 18 and 20-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,2,6-15,17, 19, and 25-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 30, 2010 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 28 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claim contains a negative limitation which does not have basis in the original disclosure and is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 6-15, 17, 19, 25, 26, 27, 29, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Grätz et al (US 6,421,879), as best understood.

Grätz et al disclose a handlebar sleeve (1) comprising a sleeve slot (3) and a clamping area arranged at an edge of the sleeve (right side), a holding bar end extension (31) comprising a clamp (32) connected to the sleeve in the clamping areas, and a grip element (7) connected with the sleeve, wherein the grip element comprises a supporting portion (26) for supporting a palm of a user and a holding portion (upper surface of 25 or any portion of the grip element which can be held by the user) which form a common grip surface with the clamp (see Fig 10), wherein the holding portion projects into the clamping area at a distance from the sleeve so that there is a gap between the holding portion (upper surface of 25) and the sleeve (1) in the clamping area (see Fig 10), and a portion of the clamp (32) is disposed within the gap between the holding portion (upper surface of 25) and the sleeve (1), wherein, when the bicycle bar grip is placed on a handlebar, the holding portion and the supporting portion project in a rearward direction toward a user and the clamp projects in a forward direction away from said user (col. 9 lines 45-55).

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Re claim 11, the holding portion has an inner contour corresponding at least partially to an outer contour of the holding bar end extension or the clamp (see Fig 10).

Re claim 12, at the supporting portion has a contour (see Fig 9B).

Re claim 13, both the clamp and the grip element are at least partially covered by a shell covering particularly the clamp of the holding bar end extension (see Fig 15).

Re claim 14, the shell is configured at least partially as a spacing fabric (66).

Re claim 17, the grip element comprises a connection projection projecting into the clamping area (see Fig 10).

Re claim 19, the clamp comprises a screw (35) cooperating with a blind bore thread, the screw being completely sunk in the clamp (see Fig 11).

Re claim 25, the bicycle bar grip has an offset relative to a handlebar (see Fig 9B).

Re claim 26, the offset is caused by a thickening provided substantially in the middle of the grip element (see Fig 9B)

Re claim 27, the holding bar end extension (31) or the clamp (32) and the grip (7) have a positive connection (36a, 36b) there between (see Fig 10).

Re claim 28, wherein the sleeve slot does not extend along an entire length of the sleeve.

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Re claim 29, a sleeve (1) for being placed onto a bike handlebar (6), the sleeve (1) comprising a clamping area at an end of the sleeve (see Fig 10); a clamp (32) connected to the sleeve (1) in said clamping area (see Fig 10), and a grip element (7) connected to the sleeve (1), said grip element (7) comprising a holding portion (upper portion of 25) at an end of said grip element near said clamping area (see Fig 10), wherein said holding portion (upper surface of 25) projects into the clamping area at a distance from the sleeve (1) so that there is a gap between said holding portion and said sleeve in said clamping area (see Fig 10), and a portion of said clamp (32) is in said gap between said holding portion and said sleeve (see Fig 10).

Re claim 30, said clamp (32) comprises a holding bar (41), said holding bar extending in a first direction (vertical portion) away from said sleeve, and wherein said holding portion extends in a second direction (angled portion) away from said sleeve, wherein said first direction is opposite to said second direction (see Fig 10).

Response to Arguments

Some further comments regarding the applicant's remarks are deemed appropriate.

The applicant argues that the Gratz et al reference fails to meet the limitations of the claims because it fails to disclose the holding portion projecting into the clamping area at a distance from the sleeve so that there is a gap. Gratz et al show in Fig 10, the holding portion, which is being broadly interpreted as any portion that is capable of being held by the user, projects into the clamping area, therefore, the reference meets the limitations of the claim.

It is also argued that the gripping device does not project into the clamping area. This limitation is not in the claims.

Applicant further argues that once assembled the holding portion and the supporting portion project rearward. Column 9 lines 45-55 discuss that the supporting portion 26 is parallel with the ground and is capable of being in the rearward direction (see Fig 9A) and the clamp 25 extends in the forward direction (see Fig 10).

Applicant's remarks have been accorded due consideration, however, they are not deemed fully persuasive.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vicky A. Johnson/
Primary Examiner, Art Unit 3656